IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 25308 of 2003

Between:

Shaik Tajuddin S/o.Shaik Badruddin
R/o.H.No.7-1-28, Near Central Library,

Balasamudram Hanamakonda, Warangal District.

..... PETITIONER

AND

1 The Northern Power Distribution Company of A.P.Limited, Represented by its General Manager (HRD), Warangal.
2 The Superintending Engineer, Northern Power Distribution Company of A.P. Limited, Operation Circle, Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action the action of the respondent in not absorbing the petitioner in the existing vacancies as per B.P.Ms.No.36, dated 18-5-1997 is illegal and unjust and consequently direct the respondents to regularize the services of the petitioner and grant consequential benefits.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.S.RAVINDRANATH (SC for AP Transco)

The Court made the following:

ORAL ORDER:

The writ petition is filed by the petitioner seeking a Writ of Mandamus declaring the action of the respondents in not absorbing him in the existing vacancies as per B.P.Ms.No.36 dated 18-5-1997, as illegal and unjust and for consequential direction to regularize his service.

It is the case of the petitioner that he is entitled for absorption in any of the vacancies in the respondents-Company as per B.P.Ms.No.36 dated 18-5-1997, as he possessed requisite qualification of B.A., English Typewriting Lower grade and Diploma in Computer Programme. It is stated that he worked as contract labour in Northern Power Distribution Company of A.P. Limited under the Sai Charitable Trust where he was entrusted the work of serving the bills in Elakaturthy, Saidapur, Husnabad, Chiguru Mamidi and Koheda Mandal in the year 1995. It is submitted that the first respondent issued notification dated 18-11-2002 calling applications from the contract labours who have worked in the Electricity Board as on 18-5-1997 in terms of B.P.Ms.No.36, dated 18-5-1997 for the posts of LDC for absorption of 50% vacancies available as on that date. It is stated that in pursuance of the said notification, the petitioner had applied for the post of LDC and that he was called for interview which was held on 3-12-2002 by the respondents-company, for which he submitted all his original certificates to them, but so far as the respondents have not declared the results or considered his case to appoint him in 50% vacancies under the said notification.

The learned counsel appearing for the respondents submits that the petitioner was not on the rolls as on 18-7-1997 and therefore, the petitioner is not entitled for absorption under the said notification.

On the other hand, the learned counsel appearing for the petitioner submits that the counter affidavit filed by the respondents is not at all correct as he was on the rolls as on 18-05-1997. It is stated that the petitioner has been working in M/s. Vinayaka Enterprises as assembler in transformers repairing centre at Huzarabad from 1-6-1996 to 31-8-1999 and to that effect a certificate dated 5-9-1999 has also been issued by the concerned contractor and that the same has been attested and counter signed by the Assistant Engineer, Special Maintenance, A.P.S.E.B., Karimnagar. Therefore, the allegation of the respondents that the petitioner was not on the rolls as on 18-5-1997, is only misconceived and incorrect.

The only question that arises for consideration is whether the petitioner was on the rolls as on 18-5-1997 to consider his case as per B.P.Ms.No.36 dated 18-5-1997. In support of his contention the petitioner has produced the certificate dated 5-9-1999 which was counter signed by the Assistant Engineer, Special Maintenance, A.P.S.E.B., Karimnagar to the effect that the petitioner had been working in M/s. Vinayaka Enterprises as assembler in transformers repairing center at Huzarabad from 1-6-1996 to 31-8-1999. Hence, it is for the respondents to verify the genuineness of the said certificate. If the said certificate is found to be genuine and if the said agreements were awarded to the said contractors M/s. Vinayaka Enterprises which was counter signed by the office of the respondents, the petitioner is entitled to be considered for the post of LDC as per the terms of B.P.Ms.No.36 dated 18-5-1997.

Accordingly, the writ petition is disposed of directing the respondents to verify the service certificate dated 5-9-1999 issued by M/s Vinayaka Enterprises, which was counter signed by the Assistant Engineer, Special Maintenance, A.P.S.E.B., Karimnagar and if the said certificate is found to be correct, consider the case of the petitioner and pass appropriate orders in accordance with law, within six weeks from the date of receipt of a copy of the order. No costs.

18-08-2004

es/tsr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The General Manager (HRD), Northern Power Distribution Company of A.P. Limited, Warangal.
2 The Superintending Engineer, Northern Power Distribution Company of A.P. Limited, Operation Circle, Karimnagar.

3. 2CD copies.